

## AT ODDS WITH BONAPARTE

## WAR AND NAVY DEPARTMENTS MAY DEFEY HIS DECISIONS.

Secretary Taft implies that the Attorney-General's Construction of the Law "Leads to Absurdity"—Opinion of the Experts on Submarine Nullified.

WASHINGTON, Aug. 18.—A series of recent opinions by Attorney-General Bonaparte has set the Navy Department and the War Department sorely at odds with the Department of Justice. So much are these opinions of Mr. Bonaparte at variance with the views of the two departments concerned that steps have been taken to prevent them from being made public. The opinions of the Attorney-General as the chief law officer of the Government are accepted and his interpretation of the law adopted, but in the present instance the War and Navy departments regard his decisions as so illogical and contrary to the best interests of the Government that they intend openly to defy them.

What possible complications this declaration of war against the Department of Justice, or at least a deliberate intention to ignore Mr. Bonaparte's opinions, will lead to is a matter for future development. Secretary Taft has gone so far as to imply strongly that Mr. Bonaparte's construction "leads to absurdity."

The law authorizing and providing for the competition for the national rifle contest stipulates that the organizations entitled to participate shall be the Army, Navy, Marine Corps and the organized militia of the States. No mention is made of naval brigades. In an opinion by Major Porter, acting Judge Advocate-General of the army, which followed previous decisions upon the same subject, the application was denied on the ground that the law did not contemplate the participation of naval militia organizations, as they were not a part of the organized militia as defined under the Dick militia law.

Mr. Bonaparte saw fit to overrule the War Department, for he decided that the naval reserves are a part of the organized militia. In view of the fact that the Dick militia law requires that the State militia shall conform in all respects of organization to the Regular Army by January, 1908, the decision carried to its conclusion would mean that naval brigades must conform to the army organizations; in other words, that a jacket of the naval reserves must become a landsman.

It was in contemplation of this situation that Secretary Taft referred to the "absurdity" of the opinion of Mr. Bonaparte. The action in the matter taken by the Secretary of War has set at naught and made ineffective the opinion of the Attorney-General.

The Navy Department has even a greater grievance against the Attorney-General on account of his opinions in regard to the purchase of submarine torpedo boats. Pursuant to the provisions of the naval appropriation bill the Department went to the trouble and expense of providing an elaborate series of tests to determine the comparative efficiency of different boats for which bids were submitted.

The law provides that no part of the appropriation shall be expended for boats of any type that should not prove to be equal to any boat now in the navy or under contract for the navy. The board which conducted the tests prepared an exhaustive report and, in conformity with the opinion of the Secretary of the Navy, rendered its expert judgment as to the comparative merits of the boats submitted in competition.

The board was unanimous in declaring that the Octopus was superior in all essential details to its competitor, the Lake, and that the type represented by the Octopus was the one to be purchased. The report and these reports were approved by the Secretary of the Navy.

The matter has been in controversy with the Department for a long time and was regarded as practically settled when Attorney-General Bonaparte, in deciding a point which Secretary McCall had submitted to him, attempted to make the complete, came forward with one of his famous opinions overruling and seeking to set at naught all the work of the Navy Department.

The Department has been attempting to do for eighteen months or more. With a single sentence the Attorney-General set at naught the expert judgment of the board and declared that the findings of the Department's board were "suitable for consideration, but not decisive."

That a law should so thoroughly overrule the action of naval experts upon technical naval matters has caused much indignation. Furthermore, it is pointed out that the Attorney-General's opinion, carried to its conclusions, in the case of the purchase of boats which the Navy Department has declared explicitly to be inferior. In other words, in disregard of the law, the opinion is considered as meaning that any sort of boat may be purchased providing the purchase is by actual tests, and the contractors to make them "at least equal in value for purposes of naval warfare to the Octopus."

The situation is such that the Department has been seeking to avoid, that is, the purchase of paper boats rather than those which have demonstrated their fitness and efficiency by actual tests. In fact, provision for the submission of plans and designs was voted down in Congress and the requirement made that such boats should be purchased only after complete tests. The effect of the opinion has been to bring down on the Navy Department a swarm of inventors with ideas, plans and designs for boats of every kind, and to bring them into competition, and in this instance his boat was declared by the naval board to be inferior to the type now in the navy.

It is decided, however, that the Navy Department will not subject itself to the criticism which would be likely to follow the taking of Mr. Bonaparte's advice and the expenditure of any part of the \$3,000,000 appropriated by Congress for boats which the Navy Department has already officially declared to be inferior. The final action will be taken as soon as Secretary McCall returns to Washington from his long trip in the West, and it is said that he will follow the recommendation of his own board, in view of the fact that he has discretion in the matter.

The third opinion by Mr. Bonaparte to which exception is taken concerns the conduct road, where automobiles have been arrested by a Maryland town marshal and ordered to stop for inspection of their cars. The road lies above the coldwater, which brings water to Washington, and although ever since its construction it has been subject to the jurisdiction of the State, Mr. Bonaparte has said it is a Government reservation and under the control of the War Department.

Again carried to its conclusion, the opinion is regarded as meaning that the army must police the highway and maintain order. Furthermore, that if a man should commit an offense on the road, the Maryland could take a position on the road and the Maryland folks would be powerless to arrest him without the assistance of the Federal Government. Mr. Taft does not intend to order a detachment of troops to guard a roadway in Maryland, and accordingly, in effect, has ignored the Attorney-General and arranged that a test case to determine jurisdiction shall be carried to the Supreme Court of the United States.

These several opinions of Mr. Bonaparte are having the effect of causing the Navy Department and the War Department to ignore his opinions, and the War Department and the Navy Department are making every effort to prevent his opinions from being made public. The War Department is making every effort to prevent his opinions from being made public.

## BE SANE, SAYS LESLIE M. SHAW.

## The Country's All Right if You Only Make Yourself Think So.

Leslie M. Shaw, ex-Secretary of the Treasury and now president of the Carnegie Trust Company, allowed himself to be interviewed yesterday on the state of the country. He said:

"Our farms produce more than \$6,000,000,000 per annum, and the prospect is good for an average crop. Our mines yield more than \$1,500,000,000 and our forests more than \$1,000,000,000, and neither of these sources of wealth has been exhausted. The output of our factories, in other than food products, is approximately \$12,000,000,000, and no fire has been extinguished. The railways earn more than \$2,000,000,000 and they are all in successful operation. The payrolls of our factories and railways aggregate approximately \$3,500,000,000 and the scale of wages has not been reduced."

"In other words, the real sources of the people's wealth have not yet been affected and the ability of industrial concerns to pay dividends is not measured by the market price of their stocks. Logical reasons for serious conditions are therefore wanting. Psychological reasons are never wanting."

"If I judge correctly, the people will have exactly what they expect. If those who have money in the banks withdraw it and lock it up, if the banks refuse to grant accommodations, and if the consuming public decline to place orders, then we will very soon witness the effects."

"Let those who think that times of disaster follow each other at regular intervals bear in mind that this country has never yet experienced a period of severe depression in that was not traceable to financial or economic agitation or legislation, and usually to both."

"In 1893 the redemption of greenbacks in silver instead of gold was openly advocated; the party in power was under promise to remove the protective tariff from our industries, and the free coinage of silver at the ratio of sixteen to one was championed by prominent members of both parties. The country might have survived any one of these sources of alarm, but it could not have survived all three."

"At this time no one questions our financial system and the tariff will not be touched for at least eighteen months."

"Some check in the speed at which we are going is most desirable, and the checking process has probably begun. It will now require a fair measure of confidence and courage to prevent undue retardation in our industries. Capital cannot be forced into activity, but it can be forced out of activity. I have never seen the time when universal sanity was more essential to our well-being."

## WOMAN KILLED IN FIRE.

## Blaze in Five Story Tenement Gives the Firemen Lots of Rescue Work.

In a fire that swept through a five story tenement at 267 East Thirty-third street yesterday morning one woman was burned to death, two men were injured and fifteen families were rescued by the crew of Hook and Ladder 7. The blaze started under a chimney leading from the basement to the first floor and spread with such rapidity that escape was entirely cut off through the hallways. All of the occupants were hemmed in by flame and smoke and were compelled to take to the fire escapes on the front of the building.

Mrs. Mary McMahon, 60 years old, who occupied apartments in the rear of the fourth floor, started down stairs and was overcome before she reached the fire escape. She fell unconscious and rolled down the stairs. Her clothing caught fire and before the firemen reached her she was unconscious. She was revived by the firemen.

Mrs. Mary Field, a cripple, who lived with her daughter Alice on the second floor, managed to make her way to the fire escape, but she was helpless without her crutches. When Firemen Mike Coligan, Paddy Casey and John Nicola reached her she was unconscious. They carried her to the street, where she was revived by an ambulance surgeon.

Mrs. Margaret Harr and her daughter Estelle were penned in on the fourth floor, but they were rescued by the firemen and got out on the fire escapes, where they were rescued.

Acting Chief Binns placed the damage at \$5,000.

## TROLLEY CAR RAMS A CARRIAGE.

## Five Men Spilled Into the Street, Two of Them Badly Hurt.

A southbound West Mount Vernon trolley car, going at a good speed, hit a carriage containing four Italians and a driver on Third avenue at 140th street last night, smashing the carriage and throwing the occupants, two of them badly hurt, to the street. The carriage crossed the tracks deliberately in front of the car.

Benjamin Flannery, the driver, lives at 160th street and Jerome avenue, was taken to Lincoln Hospital in a critical condition from internal injuries. Vincent Bizaro of 140th street and Morris avenue went to Lehigh Hospital, possibly a fracture of the skull. John and John in the car, coming from Hudson Park, New Rochelle, were thrown into a young panic when the car stopped with a jolt as the air brake failed. In the excitement the reserves of the Alexander avenue station were called out when they were told that five people had been killed.

## BIG CRACKER MAINS ITALIAN.

## Had Tried to Break Up a Gospel Tent Meeting With His Countrymen.

LYONS, N. Y., Aug. 18.—A crowd of Italians headed by Pasquale Moran, a grocer, attempted last night to break up the gospel tent meeting of the Rev. Albert Sidney Gregg on the Hotchkiss flats. Pasquale got two giant firecrackers and lit them near the gospel tent. One exploded, filling the tent with smoke. The clergyman had great trouble in preventing a stampede. There was another explosion, followed by groans. Pasquale had picked up the second cracker to see why it had not exploded. It burst in his face, tearing his eye off and cutting and filling his face with powder. It is a question whether he will recover, and if he does he may be blind.

## The Weather.

There was a general increase of heat in all Atlantic States north of Florida yesterday, due to the advance of low pressure over the St. Lawrence Valley and an area of high pressure on the south Atlantic coast. It was also warmer in all Atlantic States north of Florida. The temperature was 79° at New York, 80° at Philadelphia, 81° at Baltimore, 82° at Washington, 83° at New Orleans, 84° at Miami, 85° at Havana, 86° at Mexico City, 87° at San Francisco, 88° at Los Angeles, 89° at Portland, 90° at Seattle, 91° at Vancouver, 92° at San Diego, 93° at San Jose, 94° at San Francisco, 95° at Los Angeles, 96° at Portland, 97° at Seattle, 98° at Vancouver, 99° at San Diego, 100° at San Jose, 101° at San Francisco, 102° at Los Angeles, 103° at Portland, 104° at Seattle, 105° at Vancouver, 106° at San Diego, 107° at San Jose, 108° at San Francisco, 109° at Los Angeles, 110° at Portland, 111° at Seattle, 112° at Vancouver, 113° at San Diego, 114° at San Jose, 115° at San Francisco, 116° at Los Angeles, 117° at Portland, 118° at Seattle, 119° at Vancouver, 120° at San Diego, 121° at San Jose, 122° at San Francisco, 123° at Los Angeles, 124° at Portland, 125° at Seattle, 126° at Vancouver, 127° at San Diego, 128° at San Jose, 129° at San Francisco, 130° at Los 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